

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

(1) TECHNOLOGY PROPERTIES  
LIMITED and (2) PATRIOT SCIENTIFIC  
CORPORATION,

Plaintiffs,

vs.

(1) ACER, INC.  
(2) ACER AMERICA CORPORATION  
(3) GATEWAY, INC.

Defendants.

CASE NO. 2:08-cv-173

**Jury Trial Demanded**

**NOTICE OF DISMISSAL**

Pursuant to Federal Rule Civ. P. 41(a)(1)(A)(i), Plaintiff hereby notices the voluntary dismissal without prejudice of this action against defendants Acer, Inc., Acer America Corporation, and Gateway, Inc. Each side to bear their own fees and costs.

Dated: February 12, 2009

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that the all counsel of record who are deemed to have consented to electronic service are being served this 12th day of February, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

Elizabeth L. DeRieux \_\_\_\_\_  
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